

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2007-0043

**Z.A.P. DATE:** June 5, 2007

**ADDRESS:** 2006-2008 West Parmer Lane

**APPLICANT:** Daniel L. Peterson and Jill E. Peterson

**AGENT:** Vaughn & Associates, Inc. (Rick Vaughn)

**ZONING FROM:** SF-2

**TO:** GR\*

**AREA:** 0.510 acres

\*At the June 5, 2007 Zoning and Platting Commission meeting, the applicants decided to amend their request to LR-CO to agree with the staff's recommendation for this case.

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning. The proposed conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

In addition, if the requested zoning is granted for this site, then 50 feet of right-of-way from the existing centerline is required for reservation according to the Transportation Plan through a public restrictive covenant prior to third reading at City Council. [LDC, Sec. 25-6-51 and 25-6-55]

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

6/05/07: Approved staff's recommendation for LR-CO district zoning by consent, with the following additional conditions:

- 1) All portions of the sign ordinance (Sec.25-10 of the Land Development Code), shall apply;
- 2) A spotlight on a sign of exterior lighting of a sign must be concealed from view and oriented away from adjacent properties and roadways;
- 3) Internal lighting of signs is prohibited, except for the internal lighting of individual letters;
- 4) The height of new freestanding sign placed on the sight shall not exceed 12-feet;
- 5) Prohibiting the following uses:
  - Bail Bond Services
  - Off-Site Accessory Parking
  - Service Station
  - Urban Farm
  - Club or Lodge
  - Community Events
  - Community Recreation (Private)
  - Community Recreation (Public)
  - Congregate Living
  - Residential Treatment
  - Safety Services

Vote: (7-0, J. Martinez, S. Hale-absent); J. Pinnelli-1<sup>st</sup>, J. Shieh-2<sup>nd</sup>.

**DEPARTMENT COMMENTS:**

The property in question is developed with a retail strip center that contains a laundry drop off/pick up (2.99 Cleaners), a nail salon (ATX Nails), a hair salon (Klinique Hair Kuttery) and an administrative office use (State Farm Insurance). This property is located within the North Lamar Area Study, which was adopted by the City Council on October 3, 1985. The study recommends single-family land use for this area located to the north of Parmer Lane (North Lamar Area Study- Map 4, page 16).

The applicant is requesting GR, Community Commercial District, zoning to bring the existing businesses on the site into conformance with land use regulation in the City of Austin Land Development Code. The staff presents an alternate recommendation of LR-CO because the site fronts onto Parmer Lane and is located adjacent to an existing single-family residential neighborhood to the north and east. The site under consideration currently takes access to West Parmer Lane, a major arterial roadway. The staff recommends LR zoning for this site because this zoning district will allow for low intensity commercial and office uses that will serve the surrounding residential areas. Neighborhood Commercial zoning is suitable for this site because it will allow for a transition in the intensity of commercial uses to office uses along Parmer Lane to the east.

The applicant agrees with the Zoning and Platting Commission's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2	Retail Strip Center with Laundry Services, Personal Improvement Services and Administrative Office uses
<i>North</i>	MF-1	Apartments
<i>South</i>	GR-MU-CO	Service Station (Chevron), Automotive Washing (Palms Car Wash)
<i>East</i>	SF-2	Single-Family Residential
<i>West</i>	LR	Service Station (Texaco), Convenience Store (Speedy Stop)

**AREA STUDY:** North Lamar Area Study

**TIA:** Waived

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

37 - Lamplight Village Area Neighborhood Association  
55 - Northwood Homeowners Association  
64 - River Oaks Lakes Estates Neighborhood  
114 - North Growth Corridor Alliance  
480 - Scofield Farms Residents Association  
511 - Austin Neighborhoods Council  
742 - Austin Independent School District  
786 - Home Builders Association of Greater Austin

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-07-0028	NO, GR-CO to GR-CO	4/03/07: Approved GR-CO district zoning with the following conditions: Permit Personal Improvement Services and General Retail Sales (Convenience) as the only allowed 'GR' district uses; Permit all 'LR' district uses, except Food Sales and Service Station; Prohibit Drive-In Service; Limit the site to uses that generate no more than 2,000 vehicle trips per day; Prohibit access to Tomanet Trail. Vote: (7-0, K. Jackson and S. Hale-absent)	5/03/07: Pending
C14-06-0097	I-RR <u>TO: GR CS*</u> * On June 6, 2006, the staff received an e-mail from the agent for this case asking to amend the rezoning request for this property from 'GR' to 'CS'. The CS District will permit the Construction Sales and Services use that currently exists on the site.	8/01/06: Approved LR-CO zoning with the following conditions: 700 vehicle trip limit per day and 100-feet of right-of-way reservation from the centerline of Parmer Lane (9-0); K. Jackson-1 <sup>st</sup> , B.Baker-2 <sup>nd</sup> .	8/31/06: Approved LR-CO zoning on 1 <sup>st</sup> reading (7-0); J. Kim-1 <sup>st</sup> , L. Leffingwell-2 <sup>nd</sup> .  9/28/06: Approved LR-CO zoning with conditions by consent (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-05-0054	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0053	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings

C14-05-0052	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0051	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-04-0201	I-RR to LR	2/01/05: Approved staff's recommendation for SF-1 zoning (9-0); J. Martinez-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> . Motion made for staff to initiate a zoning case for all properties that are zoned I-RR on Cindy Lane, Tomanet Trail and Silver Spur Streets, to SF-1 zoning (9-0); B. Baker-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> .	3/03/05: Approved SF-1 on 1 <sup>st</sup> reading (7-0)  4/07/05: Approved SF-1 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-04-0119	NO to LR	9/21/04: Approved staff's rec. of LR (7-0)	10/21/04: Approved LR (7-0); all 3 readings
C14-02-0135	NO to GR	9/17/02: Approved staff's rec. of GR-CO zoning by consent (7-0)	10/24/02: Granted GR-CO on all 3 readings (6-0, Dunkerley-absent)
C14-01-0184	NO to GR	1/29/02: Postponed to 2/26/02 by applicant (8-0, A. Adams-absent) 2/26/02: Approved staff's recommendation of GR-CO zoning with the following conditions: Limit the development intensity to less than 2,000 vehicle trips per day; restrict vehicle access from the property to Tomanet Trail; permit Personal Services as the only 'GR' use; and limit the property to 'NO' uses. (6-0, K. Jackson-absent; N. Spelman, D. Castaneda-left early)	4/4/02: Approved ZAP rec. of GR-CO with conditions on all 3 readings (6-0, Goodman out of room)
C14-00-2045	NO to GR	5/9/00: Approved GR-CO (6-2, JR/JM-Nay); for building footprint only for dry cleaning use; permitted 'NO' uses; no access to Tomanet Trail; 2,000 vehicle trip limit per day; limit landscape buffer between sidewalk and street; sidewalks on Tomanet Trail; building square feet not to exceed 2,000 sq. ft.	6/8/00: Approved PC rec. of GR-CO w/ conditions on 1 <sup>st</sup> reading (7-0)  10/12/00: Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

C14-98-0082	NO to GR	8/4/98: Approved GR-CO w/ conditions (9-0)	9/10/98: Approved PC rec. of GR-CO w/ conditions (6-0); 1 <sup>st</sup> reading Administrative-EXPIRED 9/7/99, no 3 <sup>rd</sup> reading
C14-96-0037	NO to LR	5/7/96: Approved LR-CO subject to conditions of no more than 12 parking spaces on the site and a 300 vehicle trip per day limit (8-0)	5/23/96: Approved LR-CO subject to conditions (6-0); 1 <sup>st</sup> reading  8/8/96: Approved LR-CO subject to conditions (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-94-0042	NO to LO	4/26/94: Approved LO-CO (6-0); subject to ROW; medical offices as only permitted 'LO' use, permit 'NO' uses; 0.15 FAR; 'NO' development regulations	6/9/94: Approved LO-CO (5-0); 1 <sup>st</sup> reading  11/17/94: Approved LO-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C7A-96-002 (Annexation)  
C8S-78-240 (Subdivision)

**ABUTTING STREETS:**

W Parmer Ln	150'	100'	Arterial	Yes	Yes	Rt. 142 Metric Flyer
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**CITY COUNCIL DATE:** July 26, 2007

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

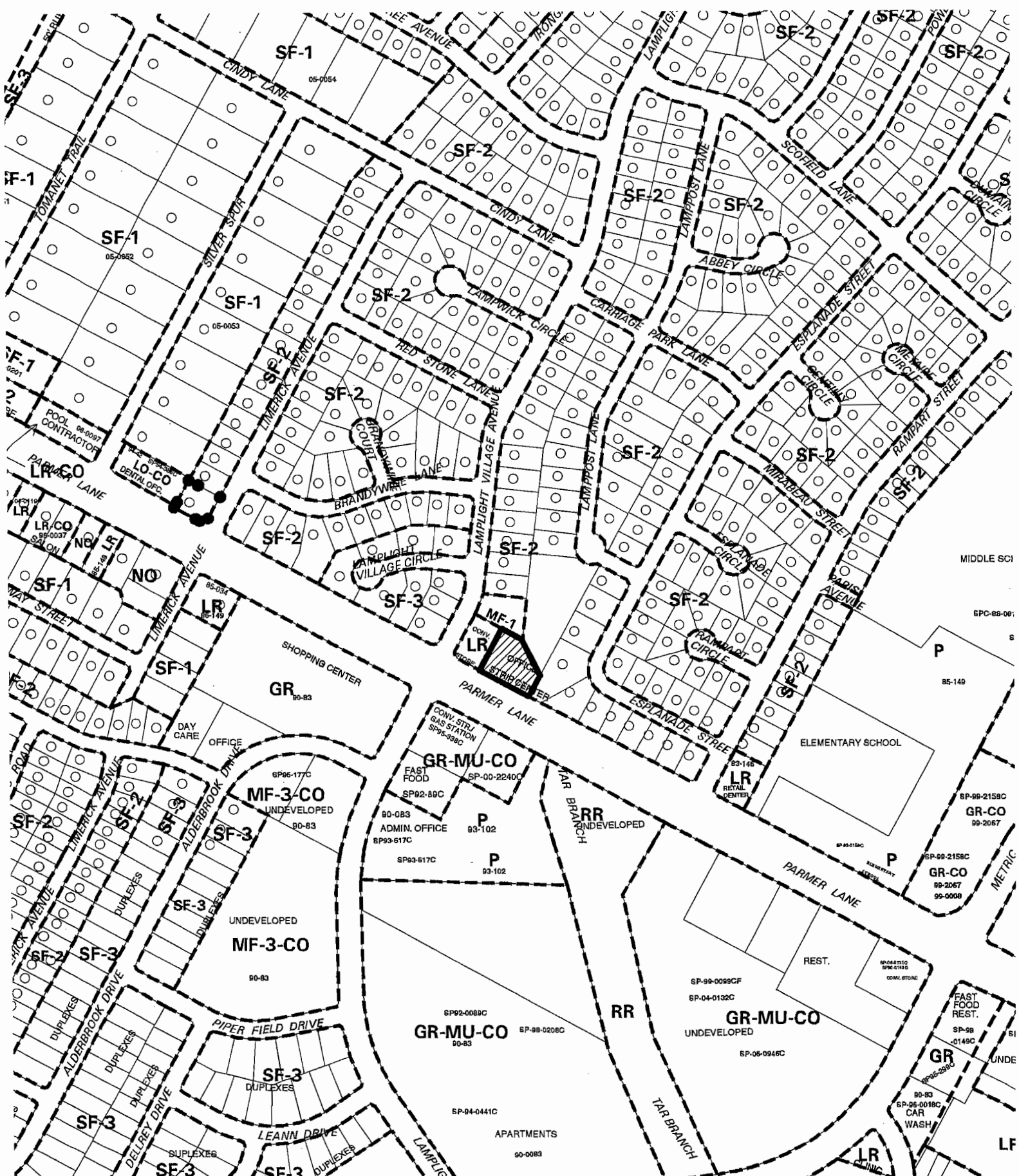
2<sup>nd</sup>


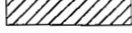

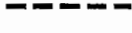
3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



 1" = 400'	SUBJECT TRACT		<b>ZONING</b>  CASE #: SP-2007-0043 ADDRESS: 2006-2008 W PARMER LANE SUBJECT AREA (acres): 0.510	DATE: 07-04  INTLS: SM	<b>CITY GRID REFERENCE NUMBER</b>  L35
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: S. SIRWAITIS				

## **STAFF RECOMMENDATION**

The staff's recommendation is to grant LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning. The proposed conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

In addition, if the requested zoning is granted for this site, then 50 feet of right-of-way from the existing centerline is required for reservation according to the Transportation Plan through a public restrictive covenant prior to third reading at City Council. [LDC, Sec. 25-6-51 and 25-6-55]

## **BASIS FOR RECOMMENDATION**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

2. *The proposed zoning should promote consistency and orderly planning.*

The LR-CO zoning district would be compatible and consistent with the surrounding uses because the lot fronts onto a major arterial roadway and is located adjacent to existing Neighborhood Commercial zoning to the west and Single-Family Residential-Standard Lot District, zoning to the east.

LR-CO zoning is appropriate for this location because Neighborhood Commercial district site development standards will ensure that any use developed on the site will be compatible with the existing residential uses to the north and east.

3. *The proposed zoning should allow for a reasonable use of the property.*

The Neighborhood Commercial zoning district would allow for a fair and reasonable use of the property because this zoning will permit the applicant to utilize the existing retail strip center on the site for low intensity retail and office uses. LR-CO zoning is suitable at this location because it will allow for a transition in the intensity of commercial uses to office uses along Parmer Lane to the east.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is developed with an existing retail center that contains contains a laundry drop off/pick up (2.99 Cleaners), a nail salon (ATX Nails), a hair salon (Klinique Hair Kuttery) and an administrative office use (State Farm Insurance).

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 90%. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

The trip generation under the requested zoning is estimated to be 2,254 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]



The Austin Metropolitan Area Transportation Plan calls for 200 feet of right-of-way for W Parmer Lane. If the requested zoning is granted for this site, then 50 feet of right-of-way from the existing centerline may be required for reservation according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
W Parmer Ln	150'	100'	Arterial	Yes	Yes	Rt. 142 Metric Flyer

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Site Plan Comments**

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the North, East, and South property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.





# North Lamar Area Study

MAP 4  
SCENARIO 2:  
RECOMMENDED  
LAND USE







Vaughn & Associates

June 1, 2007

Ms. Sherri Sirwaitis, Case Manager  
Neighborhood Planning and Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, TX 78704

Re: Conditions for the West Parmer Center, Zoning Request, C14-2007-0043

Dear Ms. Sirwaitis,

We have been speaking with neighborhood representatives on conditions that would like to see placed on the proposed zoning as a conditional overlay. My client has agreed to the conditions and looks forward to continuing to work with area residents in the future. The following outlines the items of agreement:

**First:**

My client agrees that brick, stone or other similar materials should be used on the exterior of the building if it is reconstructed.

During our meeting we discussed the type of signage that you feel should be erected on this portion of Parmer Lane. We have agreed to the following items. All other portions of the Sign Ordinance Ch. 25-10, LDC, shall apply.

- A spotlight on a sign or exterior lighting of a sign must be concealed from view and oriented away from adjacent properties and roadways.
- Internal lighting of signs is prohibited, except for the internal lighting of individual letters.
- The height of new freestanding sign placed on the site shall not exceed 12 ft.

**Secondly:**

- Your Association has requested restricting the following uses in a conditional overlay that would be part of the zoning ordinance. The original list was based on the request for GR zoning. The City staff has reviewed the application, and is requesting LR for the site. We have agreed to amend the application to request LR-CO. I have adjusted the restricted uses and removed those that are not permitted in the LR base district.

### **COMMERCIAL USES**

Bail Bond Services  
Off-Site Accessory Parking  
Service Station

### **AGRICULTURAL USES**

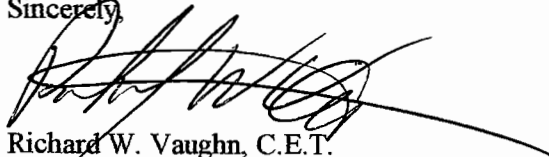
Urban Farm

### **CIVIC USES**

Club or Lodge  
Community Events  
Community Recreation (Private)  
Community Recreation (Public)  
Congregate Living  
Cultural Services  
Family Home  
Group Home, Class I (General)  
Group Home, Class I (Limited)  
Group Home, Class II  
Residential Treatment  
Safety Services  
Telecommunication Tower 7  
Religious Assembly

If you have any questions, please feel free to contact me at your convenience.

Sincerely,



Richard W. Vaughn, C.E.T.  
Principal

June 5, 2007

To: Ms. Sirwaitis  
From: Scott Peterson  
Cc: Rick Vaughn

Re: Parmer Center, Zoning Request LR-CO

The Scofield Farms Neighborhood approves of the West Parmer Center zoning change request from SF3 to LR-CO (C14-2007-0043) as long as the conditions mentioned below are met.

**First:**

Brick, stone or other similar materials should be used on the exterior of the building if it is reconstructed.

The type of signage that should be erected on this portion of Parmer Lane should meet the conditions below. All other portions of the Sign Ordinance Ch. 25-10, LDC, shall apply.

- A spotlight on a sign or exterior lighting of a sign must be concealed from view and oriented away from adjacent properties and roadways.
- Internal lighting of signs is prohibited, except for the internal lighting of individual letters.
- The height of new freestanding sign placed on the site shall not exceed 12 ft.

**Secondly:**

- The following uses shall not be permitted via conditional overlay.

**COMMERCIAL USES**

Bail Bond Services  
Off-Site Accessory Parking  
Service Station

**AGRICULTURAL USES**

Urban Farm

**CIVIC USES**

Club or Lodge  
Community Events  
Community Recreation (Private)  
Community Recreation (Public)  
Congregate Living  
Cultural Services  
Family Home  
Group Home, Class I (General)  
Group Home, Class I (Limited)  
Group Home, Class II  
Residential Treatment  
Safety Services  
Telecommunication Tower 7  
Religious Assembly

If you have any questions, please feel free to contact me at your convenience.

I would also like to express the neighborhoods appreciation to the owners and representatives of West Parmer Center. They have been very cooperative and contacted us early in the process.

Sincerely,  
Scott Peterson  
Scofield Farms Zoning Committee  
Evening Phone: 512-832-9218  
Daytime Phone 512-272-6587